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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,649	08/08/2001	Joachim Kozlowski	tk102	1892
7590 10/05/2005 Timothy J. Klima Harbin King & Klima 500 Ninth Street, S.E. Washington, DC 20003			EXAMINER FLORES SANCHEZ, OMAR	
			ART UNIT 3724	PAPER NUMBER

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,649

Applicant(s)

KOZLOWSKI, JOACHIM

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-29 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,12-16 and 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's remarks received on 1/27/05.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-6, 16, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (6,418,826 B1) in view of Kruse (3,496,823).

Suzuki et al. discloses the invention substantially as claimed:

- Regarding claim 1; a knife support 32, a blade holder 34, a blade 40, a seam-shaped cutout opposite to a cutting edge 38 of the blade (see Fig. 3), boundary faces (see Fig. 3);
- Regarding claim 5, a lock seam (see Fig. 3);
- Regarding claims 16 and 25, a threaded bore (see Fig. 3) and a threaded fastener 36;
- Regarding claim 24, a welding process (see col. 5, line 33);

Regarding claims 1 and 6, Suzuki et al. does not show boundary faces extending at an angle of < 90 degrees with respect to reach other and a slightly trapezoidal cross section.

However, Kruse teaches the use of boundary faces (24, 34, and 46) extending at an angle of < 90 degrees with respect to reach other and a slightly trapezoidal cross section (see Fig. 3) for the

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purpose of easily and safely securing the cutter blade holder and the cutter. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Suzuki's device by providing boundary faces extending at angle of $< 90^\circ$ with respect to each other and the slightly trapezoidal cross section as taught by Kruse in order to obtain a device that easily and safely secures the cutter blade holder and the cutter.

4. Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (6,418,826 B1) in view of Kruse (3,496,823) as applied to claims 1 and 6 above, and further in view of Beadman (5,605,087).

The modified device of Suzuki et al. discloses the invention substantially as claimed except for a ceramic material. However, Beadman teaches the use of a ceramic material for the purpose of reducing the force necessary to cut the workpiece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Suzuki device by providing the ceramic material as taught by Beadman in order to obtain a reduction in force to cut the workpiece and reduce manufacturing cost.

5. Claims 12, 21, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (6,418,826 B1) in view of Kruse (3,496,823) as applied to claim 1 above, and further in view of Kutchmarek et al. (6,435,066).

The modified device of Suzuki et al. discloses the invention substantially as claimed except for a coating material like diamonds. However, Kutchmarek teaches the use of a coating

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material like diamonds for the purpose of having the strength and/or durability to efficiently cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Suzuki's device by providing the coating material like diamonds as taught by Kutchemarek in order to obtain the strength and/or durability to efficiently trim products.

6. Claims 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (6,418,826 B1) in view of Kruse (3,496,823) as applied to claim 1 above, and further in view of Houser.

The modified device of Suzuki et al. discloses the invention substantially as claimed except for a curable adhesive. However, Houser teaches the use of a curable adhesive (col. 7, line 52-67) for the purpose of attaching the blades. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Suzuki's device by providing the curable adhesive as taught by Houser in order to reduce undesirable stresses in the blade due to the thermal expansion.

7. Claims 14-15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (6,418,826 B1) in view of Kruse (3,496,823) as applied to claims 1 above, and further in view of Curtsinger et al. (5,896,800).

The modified device of Suzuki et al. discloses the invention substantially as claimed except for a soldering material. However, Curtsinger teaches the use of a soldering material for the purpose of providing a maximum contact area to secure the tooth 14 with the blade body 15. It would have been obvious to one having ordinary skill in the art at the time the invention was

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made to have modified Suzuki's device by providing the ceramic material as taught by Curtsinger in order to provide a maximum contact area to secure the blade with blade holder.

8. Claims 15, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (6,418,826 B1) in view of Kruse (3,496,823) as applied to claims 1 above, and further in view of Plein (5,791,225).

The modified device of Suzuki et al. discloses the invention substantially as claimed except for ultrasound welding. However, Plein teaches the use of ultrasound welding for the purpose of providing a maximum contact area to firmly joint the blade with the base. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Suzuki's device by providing ultrasound welding as taught by Plein in order to provide a maximum contact area to firmly joint the blade with blade holder.

Response to Arguments

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dziedzic et al., Aff, Eickman, Morelli and Schifers are cited to show related device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507.


The examiner can normally be reached on 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 28, 2005


Allan N. Shoap
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